

Executive Summary – Enforcement Matter – Case No. 47267

TPC Group LLC

RN104964267

Docket No. 2013-1377-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Port Neches Operations C4 Plant, 2102 Spur 136, Port Neches, Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 24, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,688

Amount Deferred for Expedited Settlement: \$2,737

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,476

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,475

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 2, 2013 and June 26, 2013

Date(s) of NOE(s): July 12, 2013 and September 20, 2013

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TPC Group LLC
RN104964267
Docket No. 2013-1377-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,443.28 pounds of volatile organic compounds (“VOC”) from Emission Point No. C4FUG during an emissions event (Incident No. 177635) on January 2, 2013 that lasted 20 minutes. The incident occurred because a valve on Tank 6 was inadvertently left in the closed position when the pumping of crude butadiene feed stock was initiated. The closed valve caused an over pressure condition in the line. This pressure increase created a split in the line and caused Pressure Relief Valve (“PRV”) 6RV60 to lift, resulting in the release of emissions to the atmosphere. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review (“NSR”) Permit No. 20485, Special Conditions (“SC”) No. 1, and Federal Operating Permit (“FOP”) No. O1327, Special Terms and Conditions (“STC”) No. 19].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,132.08 pounds of unauthorized VOC from Emission Point No. C4FUG during an emissions event (Incident No. 181559) on April 11, 2013 that lasted 1 hour. The incident was caused by a thermal expansion of liquid product in a recycle feed line coming from the tank farm to the unit. In turn, this thermal expansion of the liquid product caused a gasket failure in the valve on the unit end of the recycle feed line. Since this emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 20485, SC No. 1, and FOP No. O1327, STC No. 19].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures in order to prevent emissions events due to similar causes as Incident No. 177635 and Incident No. 181559:

- a. On April 11, 2013, implemented procedural changes designed to ensure appropriate notifications and administrative controls are in place to adequately protect the pipeline during feed stock transfers;
- b. On June 28, 2013, reviewed the PRV design basis to ensure protection of the line during non-routine events; and
- c. On October 3, 2013, implemented procedural changes designed to ensure that feed lines are isolated and do not contain any liquid product and replaced gaskets.

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Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katie Hargrove, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2569; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Gaylon Williams, Plant Manager, TPC Group LLC, 2102 Spur 136, Port Neches, Texas 77651

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1377-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TPC Group LLC
Penalty Amount:	Ten Thousand Nine Hundred Fifty-One Dollars (\$10,951)
SEP Amount:	Five Thousand Four Hundred Seventy-Five Dollars (\$5,475)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP amount to the Third-Party Administrator named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Administrator and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES Assigned **PCW** 15-Jul-2013
22-Jul-2013 Screening 22-Jul-2013 EPA Due 7-Apr-2014

RESPONDENT/FACILITY INFORMATION

Respondent TPC Group LLC
Reg. Ent. Ref. No. RN104964267
Facility/Site Region 10-Beaumont Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 47267 No. of Violations 1
Docket No. 2013-1377-AIR-E Order Type 1660
Media Program(s) Air Government/Non-Profit No
Multi-Media EC's Team Enforcement Team 4
Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100.0% Enhancement Subtotals 2, 3, & 7 \$3,750

Notes Enhancement for one NOV with a same or similar violation and six agreed orders with denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$937

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$36
Approx. Cost of Compliance \$1,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$6,563

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$6,563

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$6,563

DEFERRAL 20.0% Reduction Adjustment -\$1,312

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$5,251

Screening Date 22-Jul-2013

Docket No. 2013-1377-AIR-E

PCW

Respondent TPC Group LLC

Policy Revision 3 (September 2011)

Case ID No. 47267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 125%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with a same or similar violation and six agreed orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 125%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 22-Jul-2013

Docket No. 2013-1377-AIR-E

PCW

Respondent TPC Group LLC

Policy Revision 3 (September 2011)

Case ID No. 47267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 20485, Special Conditions No. 1, and Federal Operating Permit No. 01327, Special Terms and Conditions No. 19

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,443.28 pounds of volatile organic compounds from Emission Point No. C4FUG during an emissions event (Incident No. 177635) on January 2, 2013 that lasted 20 minutes. The incident occurred because a valve on Tank 6 was inadvertently left in the closed position when the pumping of crude butadiene feed stock was initiated. The closed valve caused an over pressure condition in the line. This pressure increase created a split in the line and caused Pressure Relief Valve 6RV60 to lift, resulting in the release of emissions to the atmosphere. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

x

N/A

(mark with x)

Notes

The Respondent completed corrective actions by June 28, 2013 before the Notice of Enforcement on July 12, 2013.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent TPC Group LLC
Case ID No. 47267
Reg. Ent. Reference No. RN104964267
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	2-Jan-2013	28-Jun-2013	0.48	\$36	n/a	\$36

Notes for DELAYED costs

Estimated costs to implement procedures and better maintenance practices to prevent another occurrence of this type of emissions event. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$36

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600130322, RN104964267, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600130322, TPC Group LLC

Classification: SATISFACTORY

Rating: 20.42

Regulated Entity: RN104964267, PORT NECHES OPERATIONS C4 PLANT

Classification: SATISFACTORY

Rating: 13.65

Complexity Points: 19

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 2102 SPUR 136 PORT NECHES, TX 77651-4313, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER
P07062

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87942

AIR OPERATING PERMITS PERMIT 1327

AIR NEW SOURCE PERMITS PERMIT 20485

AIR NEW SOURCE PERMITS REGISTRATION 12599

AIR NEW SOURCE PERMITS REGISTRATION 71986

AIR NEW SOURCE PERMITS REGISTRATION 79198

AIR NEW SOURCE PERMITS REGISTRATION 85193

AIR NEW SOURCE PERMITS REGISTRATION 107811

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JEA007G

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 35486

STORMWATER EPA ID TX0129887

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000069476

AIR OPERATING PERMITS ACCOUNT NUMBER JEA007G

AIR NEW SOURCE PERMITS REGISTRATION 79464

AIR NEW SOURCE PERMITS REGISTRATION 80323

AIR NEW SOURCE PERMITS REGISTRATION 13377

AIR NEW SOURCE PERMITS REGISTRATION 78199

AIR NEW SOURCE PERMITS REGISTRATION 79122

AIR NEW SOURCE PERMITS REGISTRATION 89677

AIR NEW SOURCE PERMITS REGISTRATION 110141

AIR NEW SOURCE PERMITS AFS NUM 4824500715

STORMWATER PERMIT WQ0004840000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JEA007G

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: July 17, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 17, 2008 to July 17, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katie Hargrove

Phone: (512) 239-2569

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 09/22/2008 ADMINORDER 2008-0182-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:1322 Special Condition 17 OP
 Permit 20485 Special Condition 1 PERMIT

 Description: Failure to maintain emissions below the allowable emission limit. The July 22, 2007 event was caused as a result of the emergency shutdown of the South 4 group. The emergency shutdown occurred when a leaking cooling water outlet block valve, (known to be leaking when the blind was installed earlier and that attempts to change the valve by freeze plugging the line had failed earlier) was removed from the cooling water line while the system was still in service.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:1322 Special Condition 17 OP
 2048 Special Condition 1 PERMIT

 Description: Failure to maintain emissions below the allowable emission limit. The August 10, 2007, event was caused when Tank 6-TK-12 was overfilled as a result of lack of proper monitoring during tank fill.
- 2 Effective Date: 02/22/2009 ADMINORDER 2008-1194-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:Special Condition 1 PERMIT
 Special Condition 15 OP

 Description: Failure to maintain emissions below the allowable emission limit during the April 4, 2008, emissions event.
- 3 Effective Date: 04/05/2009 ADMINORDER 2008-1568-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:Special Condition 1 PERMIT
 Special Condition 15 OP

 Description: Failure to maintain emissions below the allowable emission limit.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:Special Condition 1 PERMIT
 Special Condition 15 OP

 Description: Failure to maintain emissions below the allowable emission limit.
- 4 Effective Date: 06/04/2010 ADMINORDER 2009-1819-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:Special Condition 1 PERMIT

 Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126687) on July 12, 2009, a leak due to external corrosion on the crude butadiene transfer line (Emissions Point No. ["EPN"] C4FUG) released 1,153.49 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") over a four hour period. Since the final report was not timely submitted, and because these emissions could have been avoided by better maintenance practices,
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126850) on July 15, 2009, an overhead purge line associated with EPN C4FUG was improperly left open, and this resulted in the release of 467.83 lbs of unauthorized VOC over a fifteen minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126832) on July 15, 2009, the relief valve on Tank 2 (EPN C4FUG) lifted due to overpressure when filling the tank from a barge and released 1,126.64 lbs of unauthorized VOC emissions over a one minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition 2(F) OP

Description: Failed to submit a final report within two weeks of the end of an emissions event, as documented during an investigation conducted on August 24, 2009. Specifically, an emissions event occurred on July 12, 2009 (Incident No. 126687), and the final report was due on July 27, 2009, but was not submitted until July 29, 2009.

- 5 Effective Date: 02/25/2012 ADMINORDER 2011-0682-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition 1 PERMIT
 Special Condition 17 OP

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 149286) that occurred on January 10, 2011, and lasted approximately 45 minutes, the Respondent released approximately 150 pounds ("lbs") of volatile organic compounds and 113 lbs of 1,3-butadiene from the South Unit Depentanizer Tower S2D6 overheads to Tank 17. The event occurred due to a pin hole leak that resulted from corrosion which developed in the pipeline.....

- 6 Effective Date: 03/18/2012 ADMINORDER 2011-1090-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition 1 PERMIT
 Special Condition 17 OP

Description: Failed to open the inside fill valve on Tank 100 prior to unloading a barge on March 20, 2011. Specifically, when the unloading began, the inside fill valve which is normally opened during unloading was closed. Consequently, when material was directed to Tank 100, flow to the tank was blocked. This resulted in overpressure to the tank water knockout pot causing the Pressure Relief Valve to vent to the atmosphere. Because the event could have been avoided by better operating practices, the Re

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 20, 2009	(725135)
Item 2	August 06, 2009	(760556)
Item 3	September 22, 2009	(764116)
Item 4	November 24, 2009	(781526)
Item 5	December 23, 2009	(782440)
Item 6	April 26, 2010	(796060)
Item 7	May 06, 2010	(796569)

Item 8	July 05, 2010	(829574)
Item 9	August 25, 2010	(841069)
Item 10	December 22, 2010	(872184)
Item 11	January 20, 2011	(878902)
Item 12	February 12, 2011	(895267)
Item 13	February 22, 2011	(899329)
Item 14	June 02, 2011	(921797)
Item 15	July 15, 2011	(924020)

Item 16	July 25, 2011	(922286)
Item 17	December 13, 2011	(962166)
Item 18	January 25, 2012	(977108)
Item 19	March 27, 2012	(993738)
Item 20	May 16, 2012	(1001635)
Item 21	July 14, 2012	(1014969)
Item 22	October 13, 2012	(1027811)
Item 23	January 02, 2013	(1037762)
Item 24	February 05, 2013	(1051224)
Item 25	May 23, 2013	(1092466)
Item 26	June 27, 2013	(1095313)
Item 27	June 29, 2013	(1099020)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/28/2013	(1059382)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) SPECIAL CONDITION 19 OP SPECIAL CONDITION 4(A) PERMIT		
	Description:	Failure to properly operate a flare.		

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	23-Sep-2013	Screening	30-Sep-2013	EPA Due	17-Jun-2014
	PCW	30-Sep-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	TPC Group LLC		
Reg. Ent. Ref. No.	RN104964267		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47267	No. of Violations	1
Docket No.	2013-1377-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katie Hargrove
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$3,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,750**

Notes: Enhancement for one NOV with a same or similar violation and nine agreed orders with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$375**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$50
Approx. Cost of Compliance \$2,084
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,125**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$7,125**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$7,125**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,425**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$5,700**

Screening Date 30-Sep-2013

Docket No. 2013-1377-AIR-E

PCW

Respondent TPC Group LLC

Policy Revision 3 (September 2011)

Case ID No. 47267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 185%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with a same or similar violation and nine agreed orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 185%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 30-Sep-2013

Docket No. 2013-1377-AIR-E

PCW

Respondent TPC Group LLC

Policy Revision 3 (September 2011)

Case ID No. 47267

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 20485, Special Conditions No. 1, and Federal Operating Permit No. O1327, Special Terms and Conditions No. 19

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,132.08 pounds of unauthorized volatile organic compounds from Emission Point No. C4FUG during an emissions event (Incident No. 181559) on April 11, 2013 that lasted 1 hour. The incident was caused by a thermal expansion of liquid product in a recycle feed line coming from the tank farm to the unit. In turn, this thermal expansion of the liquid product caused a gasket failure in the valve on the unit end of the recycle feed line. Since this emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$375

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent completed corrective actions by October 3, 2013 after the Notice of Enforcement on September 20, 2013.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent TPC Group LLC

Case ID No. 47267

Reg. Ent. Reference No. RN104964267

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,084	11-Apr-2013	3-Oct-2013	0.48	\$50	n/a	\$50

Notes for DELAYED costs

Actual costs to replace gaskets and to implement procedures designed to prevent another occurrence of this type of emissions event. The date required is the date of the emissions event and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,084

TOTAL

\$50

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603624289, RN104964267, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603624289, TPC Group LLC

Classification: SATISFACTORY

Rating: 6.20

Regulated Entity: RN104964267, PORT NECHES OPERATIONS C4 PLANT

Classification: SATISFACTORY

Rating: 7.96

Complexity Points: 21

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 2102 SPUR 136 PORT NECHES, TX 77651-4313, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER

P07062

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 87942

AIR OPERATING PERMITS PERMIT 1327

AIR NEW SOURCE PERMITS PERMIT 20485

AIR NEW SOURCE PERMITS REGISTRATION 12599

AIR NEW SOURCE PERMITS REGISTRATION 71986

AIR NEW SOURCE PERMITS REGISTRATION 79198

AIR NEW SOURCE PERMITS REGISTRATION 85193

AIR NEW SOURCE PERMITS REGISTRATION 107811

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JEA007G

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 35486

STORMWATER EPA ID TX0129887

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000069476

AIR OPERATING PERMITS ACCOUNT NUMBER JEA007G

AIR NEW SOURCE PERMITS REGISTRATION 79464

AIR NEW SOURCE PERMITS REGISTRATION 80323

AIR NEW SOURCE PERMITS REGISTRATION 13377

AIR NEW SOURCE PERMITS REGISTRATION 78199

AIR NEW SOURCE PERMITS REGISTRATION 79122

AIR NEW SOURCE PERMITS REGISTRATION 89677

AIR NEW SOURCE PERMITS REGISTRATION 110141

AIR NEW SOURCE PERMITS AFS NUM 4824500715

STORMWATER PERMIT WQ0004840000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JEA007G

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: January 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 17, 2008 to July 17, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katie Hargrove

Phone: (512) 239-2569

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/21/2008 ADMINORDER 2008-0043-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:20485 Special Condition 1 PERMIT
O-01327 General Terms and Conditions OP
O-01327 Special Condition 15 OP

Description: Failed to prevent unauthorized emissions of 87.13 pounds ("lbs") of 1, 3 Butadiene during an emissions event which began on May 30, 2007 at a Pressure Relief Valve ("PRV") 6RV559 during the loading of a butadiene barge and lasted for 20 seconds.
- 2 Effective Date: 09/22/2008 ADMINORDER 2008-0182-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1322 Special Condition 17 OP
Permit 20485 Special Condition 1 PERMIT

Description: Failure to maintain emissions below the allowable emission limit. The July 22, 2007 event was caused as a result of the emergency shutdown of the South 4 group. The emergency shutdown occurred when a leaking cooling water outlet block valve, (known to be leaking when the blind was installed earlier and that attempts to change the valve by freeze plugging the line had failed earlier) was removed from the cooling water line while the system was still in service.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:1322 Special Condition 17 OP
2048 Special Condition 1 PERMIT

Description: Failure to maintain emissions below the allowable emission limit. The August 10, 2007, event was caused when Tank 6-TK-12 was overfilled as a result of lack of proper monitoring during tank fill.
- 3 Effective Date: 10/23/2008 ADMINORDER 2008-0385-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01327, General Terms and Conditions OP
O-01327, Special Condition 2F OP

Description: Failure to properly report an emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:20485, Special Condition 1 PERMIT
O-01327, General Terms and Conditions OP
O-01327, Special Condition 15A OP

Description: Failure to maintain emission rates below the allowable emission limits.
- 4 Effective Date: 02/22/2009 ADMINORDER 2008-1194-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain emissions below the allowable emission limit during the April 4, 2008, emissions event.

- 5 Effective Date: 04/05/2009 ADMINORDER 2008-1568-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT
Special Condition 15 OP

Description: Failure to maintain emissions below the allowable emission limit.

- 6 Effective Date: 10/18/2009 ADMINORDER 2009-0524-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 15 OP
Special Condition 21(A) PERMIT

Description: Failed to comply with the rolling 12 month annual Raffinate loading throughput limits as required by the confidential section of the permit application submitted on April 6, 2006, Appendix B of the Raffinate 1 Loading Amendment Application.

- 7 Effective Date: 06/04/2010 ADMINORDER 2009-1819-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126687) on July 12, 2009, a leak due to external corrosion on the crude butadiene transfer line (Emissions Point No. ["EPN"] C4FUG) released 1,153.49 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") over a four hour period. Since the final report was not timely submitted, and because these emissions could have been avoided by better maintenance practices,

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126850) on July 15, 2009, an overhead purge line associated with EPN C4FUG was improperly left open, and this resulted in the release of 467.83 lbs of unauthorized VOC over a fifteen minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126832) on July 15, 2009, the relief valve on Tank 2 (EPN C4FUG) lifted due to overpressure when filling the tank from a barge and released 1,126.64 lbs of unauthorized VOC emissions over a one minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2(F) OP

Description: Failed to submit a final report within two weeks of the end of an emissions event, as documented during an investigation conducted on August 24, 2009. Specifically, an emissions event occurred on July 12, 2009 (Incident No.

126687), and the final report was due on July 27, 2009, but was not submitted until July 29, 2009.

8 Effective Date: 02/25/2012 ADMINORDER 2011-0682-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT

Special Condition 17 OP

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 149286) that occurred on January 10, 2011, and lasted approximately 45 minutes, the Respondent released approximately 150 pounds ("lbs") of volatile organic compounds and 113 lbs of 1,3-butadiene from the South Unit Depentanizer Tower S2D6 overheads to Tank 17. The event occurred due to a pin hole leak that resulted from corrosion which developed in the pipeline.....

9 Effective Date: 03/18/2012 ADMINORDER 2011-1090-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 17 OP

Description: Failed to open the inside fill valve on Tank 100 prior to unloading a barge on March 20, 2011. Specifically, when the unloading began, the inside fill valve which is normally opened during unloading was closed. Consequently, when material was directed to Tank 100, flow to the tank was blocked. This resulted in overpressure to the tank water knockout pot causing the Pressure Relief Valve to vent to the atmosphere. Because the event could have been avoided by better operating practices, the Re

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 22, 2008	(718741)
Item 2	October 13, 2008	(718742)
Item 3	November 12, 2008	(733961)
Item 4	December 15, 2008	(733962)
Item 5	January 16, 2009	(733963)
Item 6	February 17, 2009	(757072)
Item 7	February 20, 2009	(725135)
Item 8	March 17, 2009	(757073)
Item 9	April 18, 2009	(757074)
Item 10	May 11, 2009	(773891)
Item 11	May 12, 2009	(745346)
Item 12	June 02, 2009	(773892)
Item 13	July 15, 2009	(822113)
Item 14	August 12, 2009	(822114)
Item 15	September 16, 2009	(822115)
Item 16	September 22, 2009	(764116)
Item 17	October 16, 2009	(822116)
Item 18	November 12, 2009	(782113)
Item 19	November 18, 2009	(822117)
Item 20	November 24, 2009	(781526)
Item 21	December 10, 2009	(822118)
Item 22	December 23, 2009	(782440)
Item 23	January 18, 2010	(822119)
Item 24	February 18, 2010	(791936)
Item 25	February 19, 2010	(822112)

Item 26	February 23, 2010	(793188)
Item 27	March 17, 2010	(837108)
Item 28	March 19, 2010	(792862)
Item 29	April 20, 2010	(837109)
Item 30	April 26, 2010	(796060)
Item 31	May 06, 2010	(796569)
Item 32	May 13, 2010	(837110)
Item 33	June 11, 2010	(848171)
Item 34	July 05, 2010	(829574)
Item 35	July 20, 2010	(862660)
Item 36	August 19, 2010	(869241)
Item 37	September 16, 2010	(876127)
Item 38	October 20, 2010	(883726)
Item 39	November 11, 2010	(890081)
Item 40	December 16, 2010	(898486)
Item 41	December 22, 2010	(872184)
Item 42	January 18, 2011	(904333)
Item 43	January 20, 2011	(878902)
Item 44	February 12, 2011	(895267)
Item 45	February 22, 2011	(899329)
Item 46	March 16, 2011	(911216)
Item 47	April 14, 2011	(931749)
Item 48	May 19, 2011	(940237)
Item 49	June 02, 2011	(921797)
Item 50	June 20, 2011	(947613)
Item 51	July 15, 2011	(924020)
Item 52	August 19, 2011	(954876)
Item 53	September 13, 2011	(967597)
Item 54	October 12, 2011	(973529)
Item 55	November 07, 2011	(979654)
Item 56	December 06, 2011	(986509)
Item 57	December 13, 2011	(962166)
Item 58	January 12, 2012	(992884)
Item 59	January 25, 2012	(977108)
Item 60	February 02, 2012	(1000234)
Item 61	March 27, 2012	(993738)
Item 62	April 17, 2012	(1012290)
Item 63	May 08, 2012	(1018690)
Item 64	May 16, 2012	(1001635)
Item 65	June 05, 2012	(1026424)
Item 66	July 09, 2012	(1033756)
Item 67	July 14, 2012	(1014969)
Item 68	August 01, 2012	(1040299)
Item 69	September 12, 2012	(1049286)
Item 70	October 03, 2012	(1070948)
Item 71	October 13, 2012	(1027811)
Item 72	November 06, 2012	(1070949)
Item 73	December 11, 2012	(1070950)
Item 74	January 02, 2013	(1037762)
Item 75	January 10, 2013	(1083750)
Item 76	February 05, 2013	(1051224)
Item 77	February 11, 2013	(1083749)
Item 78	March 18, 2013	(1091603)
Item 79	April 08, 2013	(1097953)
Item 80	May 07, 2013	(1086378)
Item 81	May 14, 2013	(1108986)
Item 82	May 23, 2013	(1092466)
Item 83	June 11, 2013	(1112539)
Item 84	June 29, 2013	(1099020)
Item 85	July 15, 2013	(1119504)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/28/2013	(1059382)	CN603624289
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) SPECIAL CONDITION 19 OP SPECIAL CONDITION 4(A) PERMIT		
	Description:	Failure to properly operate a flare.		

F. Environmental audits:

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TPC GROUP LLC
RN104964267**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1377-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TPC Group LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant at 2102 Spur 136 in Port Neches, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 17, 2013 and September 25, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Six Hundred Eighty-Eight Dollars (\$13,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Four Hundred Seventy-Six Dollars (\$5,476) of the administrative penalty and Two Thousand

Seven Hundred Thirty-Seven Dollars (\$2,737) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Four Hundred Seventy-Five Dollars (\$5,475) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant in order to prevent emissions events due to similar causes as Incident No. 177635 and Incident No. 181559:
 - a. On April 11, 2013, implemented procedural changes designed to ensure appropriate notifications and administrative controls are in place to adequately protect the pipeline during feed stock transfers;
 - b. On June 28, 2013, reviewed the Pressure Relief Valve ("PRV") design basis to ensure protection of the line during non-routine events; and
 - c. On October 3, 2013, implemented procedural changes designed to ensure that feed lines are isolated and do not contain any liquid product and replaced gaskets.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 20485, Special Conditions ("SC") No. 1, and Federal

Operating Permit ("FOP") No. O1327, Special Terms and Conditions ("STC") No. 19, as documented during an investigation conducted on May 2, 2013. Specifically, the Respondent released 6,443.28 pounds of volatile organic compounds ("VOC") from Emission Point No. C4FUG during an emissions event (Incident No. 177635) on January 2, 2013 that lasted 20 minutes. The incident occurred because a valve on Tank 6 was inadvertently left in the closed position when the pumping of crude butadiene feed stock was initiated. The closed valve caused an over pressure condition in the line. This pressure increase created a split in the line and caused PRV 6RV60 to lift, resulting in the release of emissions to the atmosphere. Since the emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 20485, SC No. 1, and FOP No. O1327, STC No. 19, as documented during an investigation conducted on June 26, 2013. Specifically, the Respondent released 1,132.08 pounds of unauthorized VOC from Emission Point No. C4FUG during an emissions event (Incident No. 181559) on April 11, 2013 that lasted 1 hour. The incident was caused by a thermal expansion of liquid product in a recycle feed line coming from the tank farm to the unit. In turn, this thermal expansion of the liquid product caused a gasket failure in the valve on the unit end of the recycle feed line. Since this emissions event could have been avoided by better operation and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TPC Group LLC, Docket No. 2013-1377-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 (Jurisdiction and Stipulations) above, Five Thousand Four Hundred Seventy-Five Dollars (\$5,475) of the assessed

administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Deneia J.
For the Executive Director

4/14/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Gaylon Williams
Signature

11/21/13
Date

GAYLON WILLIAMS
Name (Printed or typed)
Authorized Representative of
TPC Group LLC

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1377-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TPC Group LLC
Penalty Amount:	Ten Thousand Nine Hundred Fifty-One Dollars (\$10,951)
SEP Amount:	Five Thousand Four Hundred Seventy-Five Dollars (\$5,475)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP amount to the Third-Party Administrator named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Administrator and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

TPC Group LLC
Agreed Order - Attachment A

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.